

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

DEREK SINCERE BLACK WOLF CRYER,

Plaintiff,

v.

C.A. No. 05-11289-RCL

KATHLEEN M. DENNEHY, et al.,

Defendants.

DEFENDANTS' MOTION TO DISMISS

Defendants, through counsel, hereby move this court to dismiss the complaint for failure to state a claim upon which relief can be granted, pursuant to Fed. R. Civ. P. 12(b)(6).

In support of this motion, defendants submit the attached memorandum of law.

Dated: November 17, 2006

Respectfully submitted,

NANCY ANKERS WHITE
Special Assistant Attorney General

/s/ Richard C. McFarland

Richard C. McFarland, BBO# 542278
Legal Division
Department of Correction
70 Franklin Street, Suite 600
Boston, MA 02110-1300
(617) 727-3300, Ext. 132